

AMENDED IN ASSEMBLY MAY 13, 2003
AMENDED IN ASSEMBLY APRIL 9, 2003
AMENDED IN ASSEMBLY MARCH 25, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1180

Introduced by Assembly Member Harman

February 21, 2003

An act to amend, repeal, and add Section 209 of the Code of Civil Procedure, relating to jurors.

LEGISLATIVE COUNSEL'S DIGEST

AB 1180, as amended, Harman. Jury duty.

Under existing law, a prospective trial juror who has been summoned for jury service and fails to attend as directed or respond to the court may be compelled to attend, as specified. In addition, after an order to show cause hearing, the court may find the prospective juror in contempt of court, which is punishable by fine, incarceration, or both.

This bill would permit the court, in lieu of imposing penalties for contempt, to impose reasonable ~~money~~ *monetary* sanctions of no more than \$250 for a first violation, \$500 for a 2nd violation, and \$1,000 for the 3rd or more violation, upon a prospective juror who has failed to respond, after first providing the prospective juror with notice and an opportunity to be heard, as specified. *The bill would express the intent of the Legislature that funds derived from the sanctions be allocated to the family and civil courts.* The bill would also require the Judicial Council to provide a procedure for prospective jurors against whom a sanction has been imposed by default to move to set aside the default.

The bill would require the Judicial Council to report to the Legislature regarding the effects of implementing these provisions on or before December 31, 2005. The bill would also provide that its provisions shall remain effective until January 1, 2007, unless extended by statute. The bill would also make a clarifying change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 209 of the Code of Civil Procedure is
2 amended to read:

3 209. (a) Any prospective trial juror who has been summoned
4 for service, and who fails to attend as directed or to respond to the
5 court or jury commissioner and to be excused from attendance,
6 may be attached and compelled to attend. Following an order to
7 show cause hearing, the court may find the prospective juror in
8 contempt of court, punishable by fine, incarceration, or both, as
9 otherwise provided by law.

10 (b) In lieu of imposing sanctions for contempt as set forth in
11 subdivision (a), the court may impose reasonable monetary
12 sanctions, as provided in this subdivision, after first providing the
13 prospective juror with notice and an opportunity to be heard. The
14 court may give notice of its intent to impose sanctions by either of
15 the following means:

16 (1) Verbally to a prospective juror appearing in person in open
17 court.

18 (2) The issuance on its own motion of an order to show cause
19 ~~regarding why sanctions should not be imposed~~ *requiring the*
20 *prospective juror to demonstrate reasons for not imposing*
21 *sanctions.* The court may serve the order to show cause by certified
22 or first-class mail.

23 The monetary sanctions imposed may not exceed two hundred
24 fifty dollars (\$250) for the first violation, five hundred dollars
25 (\$500) for the second violation, and one thousand dollars (\$1,000)
26 for the third or more violation. Notwithstanding any other
27 provision of law, the full amount of any sanction paid shall be
28 deposited in a special account in the county treasury and
29 transmitted from that account monthly to the Controller for deposit
30 in the Trial Court Trust Fund. ~~Moneys collected pursuant to this~~

~~subdivision shall be used solely to augment the fee paid to jurors pursuant to subdivision (a) of Section 215 of the Code of Civil Procedure based upon an equitable funding system developed by the Judicial Council. The~~ *It is the intent of the Legislature that the funds derived from the monetary sanctions authorized in this section be allocated to the family courts and the civil courts. The* Judicial Council shall, by rule, provide for a procedure by which a prospective juror against whom a sanction has been imposed by default may move to set aside the default.

(c) On or before December 31, 2005, the Judicial Council shall report to the Legislature regarding the effects of *the* implementation of subdivision (b). The report shall include, but not be limited to, information regarding any change in rates of response to juror summons, the amount of ~~money~~ *moneys* collected pursuant to subdivision (b), ~~a description of the amounts by which juror compensation fees were increased due to this chapter,~~ the efficacy of the default procedures adopted in rules of court, and how, if at all, the Legislature may wish to alter this chapter to further attainment of its objectives.

(d) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 2. Section 209 is added to the Code of Civil Procedure, to read:

209. Any prospective trial juror who has been summoned for service, and who fails to attend upon the court as directed or to respond to the court or jury commissioner and to be excused from attendance, may be attached and compelled to attend; and, following an order to show cause hearing, the court may find the prospective juror in contempt of court, punishable by fine, incarceration, or both, as otherwise provided by law.

This section shall become operative on January 1, 2007.